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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,304	09/17/1999	STEPHEN CLIFFORD GOSS	CASE-4	2132

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EXAMINER

LEE, JOHN J

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/399,304	Applicant(s) GOSS, STEPHEN CLIFFORD	
	Examiner JOHN J. LEE	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-28 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments/Amendment

1. Applicant's arguments/amendments received on July 10, 2006 have been carefully considered but they are not persuasive because the teaching of all the cited reference reads on all the rejected claims as set forth in the pervious rejection. Therefore, the finality of this Office Action is deemed proper.

Contrary to the assertions at pages 2 - 4 of the Arguments, claims 1, 12, 24 and 27 are not patentable.

During examination, the USPTO must give claims their broadest reasonable interpretation.

Re claims 1, 12, and 24: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., for initially alerting a user of a wireless unit of availability of a broadcast message prior to delivery of the broadcast message and then providing the user an opportunity to direct the mobile device to receive the broadcast message) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicant seems to argue that the teaching of Yeom does not teach the claimed invention "transmitting an alert message from a set of said base stations, to a plurality of users, said alert message including the identity of one of said plurality of communication channels, said alert message including to said plurality of users that a

broadcast message is available, and transmitting a broadcast message from said set of base stations to said plurality of users on said one of said plurality of communications channels". However, The Examiner respectfully disagrees with Applicant's assertion that the teaching of Yeom does not teach the claimed invention. Contrary to Applicant's assertion, the Examiner is of the opinion that Yeom teaches transmitting an alert message (transmitting reference information (notification) over paging channel) from a set of said base stations (a plurality of base stations within coverage area (not shown in Figs)), to a plurality of users (a plurality of mobile stations within coverage area, specifically broadcast receivers), said alert message including the identity of one of said plurality of communication channels (the reference message indicates identity broadcast channels such that weather service or stock service, or sports service), said alert message including to said plurality of users that a broadcast message is available (see Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, more specifically, a system for managing communication information in mobile network comprises a plurality base stations within coverage area broadcast to a plurality mobile station (herein only example for a base station and a mobile station) for providing broadcasting service, weather, stocks, sports, and before providing the service, the base station transmits a paging channel including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station), regarding the claimed limitation. Yeom also teaches that the base station broadcasts the broadcast short message information to each mobile station through the dedicated channel of the broadcast short message service (see Fig. 2, 3 and column 5, lines 37 – column 6, lines 64), regarding the

claimed limitation. More specifically, Yeom teaches a system for managing and controlling broadcast information from the mobile network to a plurality of mobile stations comprises a plurality base stations within cell coverage area broadcast the information data to a plurality mobile station (herein only example for a base station and a mobile station) for providing broadcasting service, weather, stocks, sports, and before providing to broadcast the information service, the base station transmits a paging channel for notification of available the broadcast service to delivery that including instruction and indicating identity broadcast channels such that weather service or stock service, or sports service to the mobile station for receiving the short broadcast message over the reserve channel, and tuning information is broadcasted for mobile station, and the base station broadcasts the broadcast service information to a plurality of mobile stations through the dedicated channel of the broadcast short message service within a predetermined period after transmitted notification information.

Re claim 27: Applicant also argues that the teaching of Yeom does not teach the claimed invention “the alert message including a dialing instruction by which said users may request a broadcast message”. However, The Examiner respectfully disagrees with Applicant’s assertion that the teaching of Yeom does not teach the claimed invention. Contrary to Applicant’s assertion, the Examiner is of the opinion that Yeom teaches the base station transmits reference information to the mobile terminal over a paging channel, and the reference information then instructs the mobile terminal to receive the broadcast information over the reverse channel (see Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56), and received transmitted broadcast information, detects the

information which coincides with the broadcast information that is previously requested by mobile stations (see Fig. 2, 4 and column 7, lines 11 – 45), regarding the claimed limitation. More specifically, Yeom teaches it is inherently the reference information having dialing instruction because the users can receive the broadcast information by reverse channel means users have to receive dialing (tuning) instruction for receiving the broadcast information.

Applicant's attention is directed to the rejection below for the reasons as to why this limitation is not patentable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-12, 14-17, 20, 21, and 23-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Yeom et al. (US Patent number 6,526,027).

Regarding **claim 1**, Yeom discloses that a method for use in a wireless network, wireless network comprising a plurality of base stations, each serving a plurality of users via a plurality of communication channels (Fig. 2, 3 and column 4, lines 19 – column 5, lines 15). Yeom teaches that transmitting an alert message (transmitting reference information over paging channel) from a set of said base stations (a plurality of base stations within coverage area (not shown in Figs)), to a plurality of users (a plurality of mobile stations within coverage area, specifically broadcast receivers), said alert message including the identity of one of said plurality of communication channels (the reference message indicates identity broadcast channels such that weather service or stock service, or sports service), said alert message including to said plurality of users that a broadcast message is available (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches a system for managing communication information in mobile network comprises a plurality base stations within coverage area broadcast to a plurality mobile station (herein only example for a base station and a mobile station) for providing broadcasting service, weather, stocks, sports, and before providing the service, the base station transmits a paging channel including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station). Yeom teaches that transmitting a broadcast message from said set of base stations to said plurality of users on said one of said plurality of communications channels (Fig. 2, 3 and column 5, lines 37 – column 6, lines 64, where teaches the base

station broadcasts the broadcast short message information to each mobile station through the dedicated channel of the broadcast short message service).

Regarding **claim 2**, Yeom teaches that the wireless network also includes a control channel (paging channel having control information (instruction command) as same as control channel), wherein said step of transmitting said alert message comprises transmitting said alert message on said control channel (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches a plurality base stations within coverage area broadcast to a plurality mobile station (herein only example for a base station and a mobile station) for providing broadcasting service, weather, stocks, sports, and before providing the service, the base station transmits a paging channel as same as control channel including instruction the mobile station to receive the short broadcast message over the reverse channel and tuning information to mobile station).

Regarding **claim 3**, Yeom teaches that the step of transmitting an alert message further comprises the step of transmitting a permission parameter as a part of said alert message (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches base station transmits paging message having identity information to tune the channel for receiving broadcast services transmits to each mobile station).

Regarding **claim 4**, Yeom teaches that the step of transmitting said alert message further comprises repeatedly transmitting an alert message on a periodic basis while said broadcast message is transmitted (Fig. 2, 3, column 6, lines 8 – 64, where teaches the period of the broadcast short message service is n times the broadcasting period of said paging channel information).

Regarding **claim 5**, Yeom teaches that the base stations sending a further alert message to inform the users that one of said plurality of communication channel will expire in a predetermined time (column 5, lines 37 – column 6, lines 52 and Fig. 3, where teaches the broadcast information cannot be broadcast within predetermined one period time).

Regarding **claim 6**, Yeom teaches that after expiration of said predetermined time, said set of said base stations ceasing to broadcast on said communication channel, and returning said channel for further use (column 5, lines 37 – column 6, lines 52 and Fig. 3, where teaches the broadcast information cannot be broadcast within predetermined one period time, and the base station starts again transmitting the broadcast services to mobile stations).

Regarding **claim 7**, Yeom teaches that the one of said plurality of communication channels (a broadcast dedicated channels and paging channels) is selected from a reserved group of said plurality of communication channels (Fig. 2, 3 and column 5, lines 37 – column 6, lines 52, where teaches broadcasting the short message service information for an identical mobile stations simultaneously received).

Regarding **claim 8**, Yeom teaches that the one of said plurality of communication channels is selected from a list of idle ones (reserve (available) channels) of said plurality of communication channels (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56).

Regarding **claim 9**, Yeom teaches that the alert message includes the identity of said one of said plurality of communication channels such that each of said plurality of

base stations selects the same one of said plurality of communication channels (Fig. 2 and column 4, lines 15 – column 5, lines 35, where teaches each base station selects the same broadcast dedicated channels to transmit to mobile station since the identical mobile stations requested a certain broadcast services).

Regarding **claim 10**, Yeom teaches that each of said plurality of base stations selects one of said plurality of communication channels based on channel availability, wherein said one of said plurality of communication channels may be different between each of said base stations (Fig. 2 and column 4, lines 15 – column 5, lines 35, where teaches each base station selects the different broadcast dedicated channels depending on mobile service requests to transmit to each identical mobile station).

Regarding **claim 11**, Yeom teaches that the broadcast message originates at an information source remote from said base stations (Fig. 3, abstract, and column 2, lines 64 – column 3, lines 56).

Regarding **claim 12**, Yeom teaches all the limitation as discussed in claim 1. Furthermore, Yang further discloses that means for receiving a first alerting message indicating that a broadcast message is imminent (paging for broadcast message is being sent), and indicating the communication channel of said broadcast message (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches the base station transmits a paging channel including instruction the mobile station to receive the short broadcast message over the reserve channel and tuning information to mobile station). Yeom teaches that means for setting up said wireless unit for receiving said communication channel (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56,

where teaches the base station transmits a paging channel including instruction to tune the channel immediately).

Regarding **claim 14**, Yeom teaches that for selecting whether to receive said broadcast message (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56, where teaches user can decide receiving the broadcast message or not).

Regarding **claim 15**, Yeom discloses that wireless unit uses CDMA protocol, wherein said communication channel is extracted using a corresponding one of a plurality of Walsh functions (column 1, lines 16 – 47 and Fig. 1, 2, this is well known art using Walsh function (code) in the CDMA protocol in the cellular communication).

Regarding **claim 16**, Yeom discloses that the wireless unit uses an analog air interface protocol, wherein said communication channel is extracted using an FM receiver tuned to a corresponding frequency (Fig. 2, 3, column 1, lines 16 – 47, and column 2, lines 64 – column 3, lines 56, where teaches broadcasting using RF (radio frequency) channels, and mobile tune to the channel, also well known art to receive RF and using FM receiver tuned to the frequency).

Regarding **claim 17**, Yeom discloses that the wireless unit uses a TDMA protocol, wherein said communication channel is extracted using a receiver tuned to a corresponding frequency and selecting appropriate time slots of a received TDM data stream (Fig. 2, 3, column 1, lines 16 – 47, and column 2, lines 64 – column 3, lines 56, where teaches broadcasting using RF (radio frequency) channels for using TDMA protocol for frequency selecting time slots of receiver TDM data, also well known art to using TDM data stream).

Regarding **claims 20 and 21**, Yeom discloses that the wireless unit includes a keypad, wherein said user means for selecting comprises entering one or more digits on said keypad (Fig. 2, 3, column 1, lines 16 – 47, and column 2, lines 64 – column 3, lines 56, where teaches the mobile station requests the broadcast service by depressed button to base station, and well known art to mobile station has a keypad for selecting function).

Regarding **claim 23**, Yeom discloses that the communication channel comprises a forward link and a reverse link, and said wireless unit includes means for blocking automatically said reverse link of said communication channel for the duration of said broadcast message (Fig. 2, 3, column 1, lines 16 – 47, and column 2, lines 64 – column 3, lines 56, where teaches inherently, automatically blocking reverse link (transmitting remote unit to base station) when the remote unit receives the broadcast message).

Regarding **claim 24**, Yeom discloses all the limitation, as discussed in claims 1 and 12.

Regarding **claim 25**, Yeom discloses all the limitation, as discussed in claims 1 and 2.

Regarding **claim 26**, Yeom discloses all the limitation, as discussed in claims 5 and 12.

Regarding **claim 27**, Yeom discloses all the limitation, as discussed in claims 1 and 12. Furthermore, Yeom further teaches receiving a call placed (within coverage area) by one of said plurality of users in accord with said dialing instruction (Fig. 2, 3, abstract, and column 2, lines 64 – column 3, lines 56).

Regarding **claim 28**, Yeom discloses all the limitation, as discussed in claims 12 and 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 18, 19, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom in view of Dorenbosch (US Patent number 5,959,546).

Regarding **claims 18 and 19**, Yeom does not specifically disclose the limitation “alerting comprises a user-visible signal and user-audible signal”. However, Dorenbosch discloses the limitation “alerting comprises a user-visible signal and user-audible signal” (column 5, lines 12 – column 6, lines 5 and Fig. 4, 5, where teaches notifying can include either a display such a liquid crystal display or a tactile or audible alert). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Yeom system as taught by Dorenbosch. The motivation does so would be to provide enhancing mobile notification service for users in mobile communication system.

Regarding **claim 22**, Yeom and Dorenbosch disclose the all the limitation, as discussed in claims 1 and 19.

Allowable Subject Matter

6. Claim 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message” as specified in the claim.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2684

Conclusion

Any response to this action should be mailed to:

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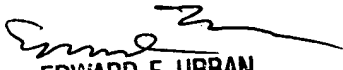
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Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor,
Edward Urban, can be reached on **(571) 272-7899**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
September 30, 2006

John J Lee


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